

## REMARKS

Claims 68-90 are pending in the present application and stand rejected under 35 U.S.C. § 112, first paragraph. The specification has been objected to under 35 U.S.C. § 132(a) as including new matter, based on applicants' previous amendments to the claims. The above amendments are intended to clarify the claimed subject matter, and we respectfully submit that the claims as further clarified are supported by the written description as originally filed. Accordingly, the examiner is respectfully urged to reconsider the application and to withdraw the outstanding objection and rejection under Section 112. In addition, the examiner is respectfully invited to call applicants' undersigned attorney at 206 332-1384 to discuss any issues that may remain after entry of the above amendments.

### **Objection Under 35 U.S.C. 132(a) and Claim Rejections Under 35 U.S.C. § 112**

The specification is objected to under 35 U.S.C. 132(a) and claims 68-90 are rejected under 35 U.S.C. § 112 as allegedly failing to comply with the written description requirement. The Office Action alleges that the amendment filed on 9/19/05 to the claims introduces new matter into the disclosure and thus amended claims 68-90 lack support in the original specification as filed. Applicants respectfully disagree. Nonetheless, we have hereby proposed amendments to the independent claims to clarify the claimed subject matter.

For example, claim 68 would be amended as follow: "transmitting in compressed time format a plurality of video programs to high speed memory buffers at a plurality of consumer locations for automatic ~~storage~~ buffering at the consumer locations without consumer selection or using individual consumer preference information ..."

As stated in the previous response, support can be found in the specification as filed, particularly on page 28 line 17 to page 29, line 6 of the specification. The excerpt from this section of the specification appears below (with emphasis supplied):

The video distribution system of Example II is implemented with the same tiers of movies as Example I with the difference being that the Tier 1 movies are transmitted ***in compressed time format to a high speed memory buffer contained in the user station*** which, in turn, writes to the DVD RAM disc at its maximum write speed. This compressed time transmission

(e.g., 8 to 10 minutes per movie) permits consumers to have movies, particularly Tier 1 movies, available on short notice, often in a time less than or on the order of that time required for a round trip to a video rental store. To further facilitate this enhanced availability of movies on short notice, according to Example II Tier I new release movies are transmitted every minutes from 5:30 pm to 8:30 pm, and at several other times daily.

09/385,671 specification, page 28 line 17 to page 29, line 6 (emphasis added).

In an example of this embodiment, the “Tier 1” movies referred to in the excerpt from the specification above are **transmitted** “without consumer selection or using individual consumer preference information.” They are transmitted every day according to a regular transmission schedule (i.e., without regard to individual consumer selection or individual consumer preference information.) Support in the specification is evident on page 27, lines 7-10:

Transmission Schedule

Tier 1: Each new release movie is transmitted every day on the hour from 4:30 pm to 8:30 pm, and at several other times daily.

09/385,671 specification, page 27, lines 7-10.

This corresponds to the language of claim 68, “without consumer selection or using individual consumer preference information.”

Second, the language italicized in the excerpt above from the specification recites the Tier 1 movies are transmitted “to a high speed memory buffer contained in the user station which, in turn, writes to the DVD RAM disc”. This corresponds to the language of claim 68, “for automatic buffering at the consumer locations.”

Therefore, Applicants respectfully request withdrawal of the objection to the specification under 35 U.S.C. 132(a) and the rejection of claims 68-90 under 35 U.S.C. § 112.

### CONCLUSION

Applicants believe that the present reply is responsive to each point raised by the Examiner in the Office Action and Applicants submit that claims 68-89 of the application are

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in condition for allowance. Favorable consideration and passage to issue of the application at the Examiner's earliest convenience is earnestly solicited.

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